

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

UNITED STATES OF AMERICA,

Case No. 3:15-CR-82

Plaintiff,

v.

District Judge Walter H. Rice
Magistrate Judge Michael J. Newman

WILLIAM EUGENE MCDONALD,

Defendant.

REPORT AND RECOMMENDATION¹

The case was referred to the undersigned for plea proceedings pursuant to Fed. R. Crim. P. 59. Defendant, through counsel, orally consented to proceed before the United States Magistrate Judge in this regard. On June 30, 2016, this case came before the undersigned for a change of plea hearing. Assistant United States Attorney Sheila Lafferty appeared on behalf of the government. Defendant was present and represented by Attorney Jon Paul Rion.

During the hearing, Defendant moved to change his plea pursuant to a Plea Agreement. The undersigned examined Defendant under oath as to his understanding of the Plea Agreement, which he acknowledged and executed in open court, and his understanding regarding the effect of entering a plea pursuant to that Agreement. Having thoroughly conducted that colloquy, the undersigned concludes that Defendant fully understands the rights waived by entering a guilty plea, and that Defendant is fully competent to enter a guilty plea.

Accordingly, the Magistrate Judge concludes that Defendant's guilty plea to Count One of the Indictment dated July 1, 2015, is a knowing, intelligent and voluntary plea. The Court

¹ Attached hereto is a NOTICE to the parties regarding objections to this Report and Recommendation.

also concludes that the Statement of Facts made a part of the Plea Agreement, the truth of which Defendant acknowledged in open court, provides a sufficient factual basis for a finding of guilt on that Count.

It is therefore respectfully **RECOMMENDED** that: (1) the Court accept Defendant's guilty plea; and (2) he be found guilty as charged in Count One the Indictment. Anticipating the District Judge's adoption of this Report and Recommendation, the Magistrate Judge referred Defendant for a pre-sentence investigation. Defendant was remanded to the custody of the United States Marshal.

July 7, 2016

s/**Michael J. Newman**
United States Magistrate Judge

NOTICE REGARDING OBJECTIONS

Pursuant to Fed. R. Crim. P. 59 (b)(2), any party may serve and file specific, written objections to the proposed findings and recommendations within fourteen days after being served with this Report and Recommendations. Pursuant to Fed. R. Civ. P. 6(e), this period is automatically extended to seventeen days because this Report is being served by one of the methods of service listed in Fed. R. Civ. P. 5(b)(2)(B)(C), or (D) and may be extended further by the Court on timely motion for an extension. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendation are based in whole or in part upon matters occurring of record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections within fourteen days after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See United States v. Walters*, 638 F. 2d 947 (6th Cir. 1981); *Thomas v. Arn*, 474 U.S. 140, 106 S. Ct. 466, 88 L. Ed. 2d 435 (1985).